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April 9, 2014

VIA ECF & FAX

Hon. Alvin K. Hellerstein
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: **Fox News Networks, LLC v. TVEyes, Inc., No. 13 Civ. 5315 (AKH)**

Dear Judge Hellerstein:

We represent defendant TVEyes, Inc. ("TVEyes") in the above-captioned action and write in response to Fox News Network, LLC's ("Fox") letter submitted to the Court earlier today.

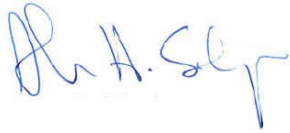
1. Proposed Schedule

This Court's Order of April 8, 2014 [Dkt. 20] (the "Order") instructed the parties to "advise the Court whether the summary judgment schedule should be revised" by April 16, 2014. On the morning of April 9, Jessica Rose (counsel for TVEyes) and Joshua Simmons (counsel for Fox) telephonically conferred about Fox's proposed schedule. On this call, Ms. Rose informed Mr. Simmons that TVEyes was not yet in a position to comment on Fox's proposed schedule because it needs additional time to evaluate the dates proposed, but would provide further information shortly. Fox does not disclose this conversation in its letter, and filed its proposed schedule without receiving a response from TVEyes. In any event, TVEyes respectfully requests that the Court not order a revised schedule for this case until TVEyes has had an opportunity to consider Fox's proposal.

2. TVEyes' Renewed Request

Fox severely misreads TVEyes' request to this Court. TVEyes asks that, in light of the Order, TVEyes be permitted to take a **limited** 30(b)(6) deposition on the same topic on which the Court will now permit expert discovery—*i.e.*, "the effect of the use upon the potential market for or value of the copyrighted work." Fox does not dispute that its expert will rely on Fox documents relating to this topic, nor that TVEyes has not had the opportunity to depose Fox about such documents.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "A. Schapiro". The signature is stylized with a large initial "A" and a long, sweeping underline.

Andrew Schapiro

cc: Fox's counsel of record (via ECF & fax)